IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 28016 of 2007(I)

PETITIONER:

1. ARULRAJ.J, BINDU COTTAGE,
   T.C.34/1125, NEAR AIR PORT,
   VALLAKKADAVU P.O., THIRUVANANTHAPURAM-8.

2. SUSEELAN.C.,
   SANDHUMUDUMPIL HOUSE,
   T.C.36/1681, SUBASH NAGAR,
   VALLAKKADAVU P.O., THIRUVANANTHAPURAM-8.

3. SHIBU.V.R.,
   V.R.SADANAM, MANGALATHUKONAM,
   KATTACHALKUZHI P.O., THIRUVANANTHAPURAM.

4. JUGUNU G.S., G.S.NIVAS,
   KANNARAVILA, NELLIMOOD P.O.,
   THIRUVANANTHAPURAM.

5. SUBAIR.A., ROADARIKATHU VEEDU,
   10TH STONE, NEDUMANGAD P.O.,
   THIRUVANANTHAPURAM DIST.

6. SAJI.C., PLAVARATHALA VEEDU,
   KANNARAVILA, NELLIMOOD P.O.,
   THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL

RESPONDENTS:

1. INDIAN AIRLINES LIMITED,
   REPRESENTED BY THE MANAGING DIRECTOR,
   GURUDWARA ROAD, NEW DELHI.

2. THE GENERAL MANAGER(PERSONNEL),
   SOUTH REGION, INDIAN AIRLINES LIMITED.,
   CHENNAI.

3. THE STATION MANAGER,
   INDIA AIR LINES LIMITED,
   TRIVANDRUM AIRPORT,
   TRIVANDRUM.

BY ADV.SHRI.A.M.SAFFIQUE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.28016 of 2007

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Dated this the 20th day of September, 2007

J U D G M E N T

The petitioners claims to be daily rated employees working under the 1st respondent. Apprehending termination of their services on account of introducing a contract labour system in the Thiruvananthapuram Airport, by the 1st respondent, the petitioners have filed this writ petition seeking the following reliefs:

> "i] to issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents not to terminate the service of the petitioners from Indian Air Lines Limited.
>
> ii] to issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents to engage the petitioners for doing the work that is being done by them presently on the basis of Exhibit P2 circular.
>
> iii] to issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents not to introduce contract labour replacing the petitioners."

2. In order to resolve this, ascertainment of facts is necessary. The same can be done only in a properly constituted industrial dispute to be raised by the petitioners under the

Industrial Disputes Act. That being so, I am not inclined entertain this writ petition at this stage. Therefore, without prejudice to the right of petitioners to raise an industrial dispute in the matter, this writ petition is dismissed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.